IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FOURTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

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WRIT PETITION NO : 6487 of 2003

Between:-

1. Md.Vazeed Ahmed, s/o Kuresheed Ahmed, aged 23 yrs
2. Y.Krishna, s/o Siddaiah, aged 37 yrs,
3. Sk.Jaffar Ali, s/o Mahaboob Ali, aged 34 yrs,
4. Md.Sadiq Ahmad, s/o Kursheed Ahmed, aged 32 yrs,
5. Y.Gurupadham, s/o Siddaiah, aged 38 yrs,
6. K.Krishna, s/o Chinna Saidulu, aged 24 yrs,
7. B.Ravi Kumar, s/o B.Gattaiah,aged 31 yrs,
8. K.Anjaneya Shastry, s/o K.Subbaiah, aged 30 yrs,
9. Y.U.R.K.Chandra Sekhar, s/o Umamaheshwara Rao, aged 27 yrs,
10. S.Aswini Kumar, s/o Samba Murthy, aged 29 yrs,
11. P.Sunil Kumar, s/o T.Vasu, aged 28 yrs,
12. A.Naga Raju, s/o Upender, aged 27 yrs,
13. T.Jaya Kumar, s/o Thirunavukarasu, aged 32 yrs,
14. B.Anil Kumar, s/o Rama Rao, aged 28 yrs,
15. K.Nageswara Rao, s/o Chinna Saidulu, age 27 yrs,
16. Md.Sadhiq Khan, s/o Faizkhan, aged 24 years,

(All the petitioners are contract workers under 33 abolished categories, in Kothagudem Thermal Station, Paloncha, Khammam District, R/o Paloncha,

Khammam District)

..... PETITIONERS

AND

1. The A.P.Power Generation Corporation Limited,

Rep. by its V.C. & Managing Director,

Vidyutsoudha, Somajiguda, Hyderabad.

2. The Chief Engineer, (O & M),

Kothagudem Thermal Power Station,

A.P.Genco Ltd., Paloncha, Khammam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue any appropriate writ, order or direction particularly one in the nature of Writ of Mandamus, declaring the impugned letter No.OE/O&M/KTPS/WO/F1/2000/D.No.759/2000, dt.14-07-2000 is bad and illegal and violative of Ariticles 14, 16 and 21 of the Constitution of India, and declare that the petitioners are entitled for absorption on par with the candidates mentioned at Sl.No.12 to 36 in Memo No.OE/O&M/KTPS/ADMC/C5/D.No.2565/2001, dated 15-10-2001, issued by the 2nd respondent, who worked along with the petitioners under the same contractor, and same agreement and in same nature of work.

Counsel for the Petitioner:MR.G.CHANDRAIAH

Counsel for the Respondents: SMT.K.SESHARAJYAM

The Court made the following :

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O R D E R:

Heard the learned counsel appearing for both the parties.

The petitioners filed the writ petition questioning the orders dated 14-07-2000 in rejecting their case for absorption on the ground that the petitioners in which they are employed do not come under thirty-three (33) abolished categories and they are fulfilling only one of the conditions against twin conditions prescribed in B.P.Ms.No.37, dated 18-05-1997 read with B.M.Ps.No.272, dated 31-12-1997.

It is stated that against the said rejection orders dated 14-07-2000, the petitioners have made a representation before the second respondent on 24-10-2002 and, therefore, this Court, by order dated 30-07-2003, directed the second respondent to consider and dispose of the said representation and pass appropriate orders in accordance with law. Pursuant to the orders of this Court, dated 30-07-2003, the second respondent considered and disposed of the said representation vide proceedings in letter No.CE/O & M/KTPS/ADE/ADM/D.No.125/03, dated 18-11-2003 holding that they have not fulfilled the guidelines stipulated in B.P.Ms.No.37, dated 18-05-1997, B.P.Ms.No.260, dated 19-12-1997 and B.P.Ms.No.272, dated 31-12-1997. It is stated that against the said orders, the petitioners have filed an appeal on 23-03-2004 before the first respondent and the same is pending.

Having regard to the facts and circumstances of the case, the writ petition is disposed of directing the first respondent to consider and dispose of the appeal filed by the petitioners on 23-03-2004 in accordance with law within two months from the date of receipt of a copy of this order. No orders as to costs.

04-08-2004.

Lrkm

To

1. Managing Director,

The A.P.Power Generation Corporation Limited,

Vidyutsoudha, Somajiguda, Hyderabad.

2. The Chief Engineer, (O & M),

Kothagudem Thermal Power Station,

A.P.Genco Ltd., Paloncha, Khammam District.

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